

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
April 21, 2003

D041874 Siemers Engineering, Inc. v. Superior Court of San Diego County/Skyline Wesleyan Church, Inc.

The petition is denied.

D040876 In re Hannah V., a Juvenile

Appellant's request the court take additional evidence is granted. The court has considered trial counsel's declaration. The petition for rehearing is denied.

D040959 People v. Mack

The judgment is affirmed. Kremer, P.J.; We Concur: Huffman, J., O'Rourke, J.

D040816 In re Dario Q., a Juvenile

The true findings and commitment to CYA are affirmed. Commitment time is stayed on the robbery and the aggravated assault true findings and the maximum term is modified to 10 year two months. The trial court shall advise the CYA of the modification. Huffman, J.; We Concur: Kremer P.J., O'Rourke, J.

D041896 Trail Master Products, Inc. v. Superior Court of San Diego County/Hoebeck et al.

The petition is denied.

D038012 People v. Szutenbach

Judgment is affirmed. McIntyre, J.; We Concur: Huffman, Acting P.J., Nares, J.

D039666 People v. Garcia

The judgment is modified to reflect that the sentence on count two is stayed pursuant to Penal Code section 654. The trial court is directed to prepare an amended abstract of judgment and to forward a certified copy to the Department of Corrections. As modified, the judgment is affirmed. McConnell, J.; We Concur: Nares, Acting P.J., Haller, J.

D039773 People v. Reid

The judgment is affirmed. Huffman, Acting P.J.; We Concur: Nares, J., Aaron, J.

D039085 People v. Cummings

The judgment is affirmed. O'Rourke, J.; We Concur: McDonald, Acting P.J., McIntyre, J.

D041509 In re Isaac on Habeas Corpus

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
April 22, 2003

D038942 People v. Couls

The judgment is affirmed. Huffman, Acting P.J.; We Concur: Nares, J., McDonald, J.

D040000 Neilson et al. v. Lobb Construction et al.

The trial court's order of February 20, 2002, denying the motion to confirm the lien and entering the dismissals nunc pro tunc, is reversed. Appellant is entitled to costs on appeal. Aaron, J.; We Concur: Benke, Acting P.J., McDonald, J.

D039916 People v. Juarez

The judgment is affirmed. O'Rourke, J.; We Concur: Kremer, P.J., Huffman, J.

D041594 Farmers Insurance Exchange v. Superior Court of San Diego County/Johnson et al.

The petition is denied.

D041492 People v. Hamill

Upon filing an abandonment of appeal, the appeal is dismissed.

D040041 People v. Brauel

The judgment is affirmed. Huffman, J.; We Concur: Kremer, P.J., Nares, J.

D041618 Margala v. Pacific REO LLC

The appeal is dismissed on the ground the dismissal order referenced in the notice of appeal is not an appealable final judgment because it does not dispose of defendant Pacifica REO's cross-complaint against appellant.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
April 23, 2003

D039150 In re the Marriage of Hedrick

The order of April 28, 2000, setting child and spousal support is reversed. The child and spousal support order of November 26, 1996, remains in effect. In all other respects, the judgment of April 28, 2000, is affirmed. Benke, J.; We Concur: Kremer, P.J., O'Rourke, J.

D041121 Chilcote, Inc. v. Travelers Indemnity Company of Illinois et al.

Upon written stipulation filed by the parties, the appeal is dismissed.

D040208 People v. Morehead

The conviction of simple possession of cocaine base is reversed. In all other respects, the judgment is affirmed. The trial court shall modify the abstract of judgment and advise the Department of Corrections of the modification. Kremer, P.J.; We Concur: Huffman, J., O'Rourke, J.

D040863 In re Luke M., a Juvenile

The orders are reversed in part and the trial court is directed to hold a new dispositional hearing for the limited purpose of ordering an appropriate reunification plan for Jeffrey. In all other respects, the orders are affirmed. CERTIFIED FOR PARTIAL PUBLICATION. Haller, Acting P.J.; We Concur: McDonald, J., McIntyre, J.

D039908 People v. Pojas

D040520 In re Pojas on Habeas Corpus

The pending petition for writ of habeas corpus, In re Jason Pojas, D040520, is consolidated with the pending appeal, People v. Pojas, D039908, for disposition.

D039908 People v. Pojas

D040520 In re Pojas on Habeas Corpus

Judgment affirmed. Petition for writ of habeas corpus denied. Haller, J.; We Concur: Huffman, Acting P.J., Nares, J.

D037735 People v. Crayton

It is ordered that the opinion filed March 25, 2003, is modified. There is no change in judgment. The petition for rehearing is denied.

D039052 In re Rosales on Habeas Corpus

Petitioner Robert Rosales has filed a request to withdraw his petition for writ of habeas corpus. The request is granted, the order to show cause previously issued is discharged, and the petition for writ of habeas corpus is dismissed. The order directing the Superior Court to conduct an evidentiary hearing is vacated.

D036897 People v. Hopper et al.

Appellant Robert Rosales has filed a notice of abandonment of appeal signed by counsel and the appellant personally. The appeal is dismissed as to appellant Robert Rosales and the remittitur shall issue forthwith.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
April 24, 2003

D039663 Jacobs v. Grossmont Hospital

The judgment is reversed. Jacobs is entitled to costs on appeal. CERTIFIED FOR PUBLICATION.
Aaron, J.; We Concur: Benke, Acting P.J., Nares, J.

D040781 Higgins v. Metabolife International, Inc.

Upon written stipulation filed by the parties, the appeal is dismissed.

D040780 Lanas v. Metabolife International, Inc.

Upon written stipulation filed by the parties to the appeal, the appeal is dismissed and the remittitur is ordered to issue immediately. Each party to bear own costs on appeal.

D041840 Sarantos v. Salerno

Pursuant to California Rules of Court, rule 8, the appeal filed February 19, 2003, is dismissed for failure of appellant to timely deposit costs for preparing the record on appeal.

D039682 People v. Accredited Surety and Casualty Company

Upon written stipulation filed by the parties, the appeal is dismissed.

D040837 Aycox v. Metabolife International, Inc.

Upon written stipulation filed by the parties to the appeal, the appeal is dismissed and the remittitur is ordered to issue immediately. Each party to bear own costs on appeal.

D041193 In re Michael L., a Juvenile

The judgment terminating parental rights is reversed and the matter is remanded with directions to the superior court to vacate the judgment, orders and findings made after the Welfare and Institutions Code section 366.26 hearing and to order the Agency to give notice to the BIA, Navajo, Apache and Paiute tribes, in accord with the ICWA. If after receiving notice, the child is found not to be an Indian child, the court shall reinstate the previous judgment terminating parental rights. This opinion is made final immediately as to this court. (Cal. Rules of Court, rule 24(b)(3).) Huffman, Acting P.J.
We Concur: Nares, J., McConnell, J.

D041638 T.A. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The petition is denied. Huffman, Acting P.J.; We Concur: Nares, J., McConnell, J.

D041487 Stojic v. Gardality et al.

Appellant has failed to file a brief after notice given pursuant to California Rules of Court, rule 17(a). The appeal is dismissed.

D041987 Jeremiah L. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
April 25, 2003

D041050 In re Tyrell B., a Juvenile

The judgments are affirmed. Haller, J.; We Concur: Kremer, P.J., Huffman, J.

D039481 California Native Plant Society v. City of San Diego et al.

The judgment is affirmed. O'Rourke, J.; We Concur: Huffman, Acting P.J., Nares, J.

**D041129 Ray M. et al. v. Superior Court of San Diego County/San Diego County
Health and Human Services Agency**

The petitions are denied. The stay issued February 21, 2003 is vacated. McConnell, J.;
We Concur: Nares, Acting P.J., McIntyre, J.

D042006 Plaza v. Superior Court of San Diego County/People

The petition is denied.

D042007 Plaza v. Superior Court of San Diego County/People

The petition is denied.

D040016 People v. Accredited Surety and Casualty Company

Upon written stipulation filed by the parties to the appeal, the appeal is dismissed and the remittitur is
ordered to issue immediately (Cal. Rules of Court, rule 20(c)(2)). Each party to bear own costs on appeal.

D036869 Alford et al. v. Superior Court of San Diego County/People et al.

Let a writ of mandate issue directing the court to vacate its November 15, 2000 order denying the
discovery motion and to reconsider the motion in light of the opinion in Alford, supra, 29 Cal.4th 1033.
Huffman, J.; We Concur: Haller, J., McIntyre, J.

D041790 Gallardo et al. v. Superior Court of San Diego County/Rodriguez et al.

The petition is denied.